G. R. S. 58]
Previous references.

File No. 17 of 01.

1901.-02
(Sep. Revenue)

Serial Nos. 1—11.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—11

Major ~~Part~~ **B for** December 03.

SUBJECT.

Acquisition of Survey nos 67, 128, 134, 135 & 136 of Donday Madahalli Village, Nagamangala Taluk for date groves.

Sl. 1. From the Excise Commr. No 3806/167 dt 7/11 December 01.
Recommends the acquisition for the purpose of State Toddy Revenue of certain Survey nos in Donday Madahalli, Nagamangala Taluk, Containing over 14000 date trees and Submits copies of certain Correspondence and vernacular records bearing on the Subject.

Sl. 2. To the Excise Commr. No 421 dt 8th april 1902.
Requests Submission of the usual declaration on the particulars and boundaries of lands intended for Acqui

GPB—5,000—22-10-10

3. From the Excise Commr " 197 " 29
Submits copy of the usual declaration, received with
the Mysore Distt Dy Commr's communication showing
the particulars and boundaries of lands, as required.

4. To the Excise Commr No 240/Ex. dt- 18/11/02
Intimates that the declaration received will be pub-
lished in three successive issues of the Gazette and
directs to take order for the acquisition of lands in
question.   Diary No Ex 36 of 16-7-03.

8l 5. From Honne Gowda.
Appeals against the G.O. No 240, submitting his peti
tion No 47 and prays that his lands may not be
acquired, or if that is not possible, he may be
granted in exchange an equal extent of land in t
tank band of Madchalli tank which is in disrep
No 242/Ex dt- 12/9/03.

8l 6. To Honne Gowda,
Endorses that he may request the Dy. Commr.
wish to refer the matter to the civil court, if he
not ~~accept~~ to the amount settled by the Dy.

8-7 From the Revenue Commr in Mysore
No 1376 dt- 16/9/03.
Forwards for Govt orders certain papers re acq
of survey Nos 67, 135 + 136 of Tonday
Nagamangala Taluq, for purposes of To
Revenue, and stating that improvement
Revenue is clearly not a Public Purpose

8l 8 From the Rev Commr No 1640 dt- 10/10/03.
Forwards for orders a petition from Honne G
Kattahalli village Nagamangala Taluk, complaining
acquisition of his lan

G.R.S. 70]

Government of H. H. the Maharaja of Mysore.

GEN. & REV. SECRETARIAT

13443 REQUISITION FOR PAPERS.

Section Excise

A

B

Filed

Deposit

File No. 16-07

Sections 38 and 18 Collectors 2

Serial No.

for rearrangement

To be ~~put up with Diary No. of 191~~

Sent 18/7/1914

Signature

Branch Hc

Section Special Estt

Date 18/7/14

GPB—20,000—19-7-12

S. R. File No 17 of 01-02

SECRETARY'S OFFICE

EXCISE BRANCH

OFFICE NOTE

SUBJECT Proposal for the acquisition of certain survey numbers containing ~~the~~ date trees, in the village of Donde Madahalli, Nagamangala Taluk.

LAST REFERENCE Letter No. 3806/167 dated 7th December 1901
from the Excise Commr. in Mysore.

From the vernacular records it is seen that Survey nos 67, 128, 134, 135 & 136 now in the holdings of ~~one~~ Donne Linge gowda & others, had been granted before the Survey settlement in 1888 on the following conditions.

MB

Survey no 67, ~~was granted~~ was granted to the present occupant in 1883 on Kayam hulgaval tenure on the condition that he should

interfere with the date
trees standing on it.

Survey no 128 was granted
unconditionally

Survey no 134, 135 & 136
granted on grass tenure
but subsequently for cultivation
without any condition attached.

Shortly after the survey settlement
in 1888 an order ~~has been~~ was
issued ~~to the Amildar~~ by
the Survey Supdt to the Amildar
of Nelamangala in the
following terms:—

The settlement of Survey
nos in question was postponed
as they contained date trees.
now it has been ~~settled~~ confirmed &
the occupants may be
informed of it. As regards
the date trees existing
in them the following is the
wording in Kanarese

[illegible]
[illegible]
[illegible]"

As the above wording was not clear, the Excise Commr says, that the Supdt of Survey settlement was addressed on the point, and ~~that~~ in reply it was stated that the date trees were not by the settlement reserved to Govt, but were conceded to the ryots as usual. From the above it is clear that the survey nos in question were granted to the occupants unconditionally at the time of settlement.

As these lands contain a very large number of date trees and as there is a paucity of date trees in the Nagamangala Taluk, the Excise Commr recommends their acquisition. ~~[illegible]~~ In acquiring the lands the Deputy Commr states that Government is under no obligation to compensate the occupants for the value of the date trees on the ground that the trees belonged to Government before the settlement & the Excise Commr supports it.

Now the question is whether "the improvement of the State toddy revenue comes under the definition of public purpose" In a case formerly referred to by the Excise Commr ~~for the~~ for the acquisition of certain occupied survey no. the then secretary has remarked that it is so. In the same file (Sl no 2) and in another file put up Sl no 5 of file no 7 of 95) the acquisition of lands for purposes of State toddy revenue was ordered either by amicable settlement

(vide note on file no 23 of
put up.

or ~~by~~ under the land acquisition Regulation a copy of which is put up for reference

There is another reference regarding the acquisition of certain lands containing date trees, in the Bharmasagara village, ~~Chitalda~~ Chitradurga District, ~~and~~ which has been submitted by the Revenue Branch to the 1st Councillor

Submitted, ~~to Secty~~
19/12/12

to the 2nd Councillor.

On the question of the trees vesting in the occupant, the opinion of the Supdt of Survey ~~is~~ appears to be correct & should be accepted: If so, I do not see on what grounds it can be contended that we can resume

Let the order be issued.

the trees without com-
pensating the occupant
therefor.

On the question of acquisi-
tion, the ~~[illegible]~~ "public pur-
pose" does not seem to
be quite without dispute.
L.R. Code, S.35 giving right   put up
to minerals says that Govt.
shall have all the powers
necessary for the proper
enjoyment or disposal
of such rights, and this S.2
specially says that such
lands may be acquired under
the Land Acqn Regn. The
absence of a similar provi-
sion for enjoying the benefit
of trees standing on lands
of others is significant &
gives rise to an inference
that the Regn Committee
applied for the purpose.
If "mere" increase of
revenue" were a public
purpose, why should
not a valuable but
neglected main village

be capable of being acquired by compulsory process by Govt.?

20/12/1901

Recd
20.xii.1901.

I do not quite understand the doubts raised in the Note –

(1) The settlement made no reservation & I agree with the Secretary that the Govt. have now no interest whatever in the trees standing on the lands in question

(2) We want the trees for Excise purposes, but we cannot get them without the lands on which they stand. Let us therefore acquire the lands themselves by a resort of course to the machinery of the Land Acquisition Regulation. The expression "public purpose" employed in section 4.(1) is sufficiently wide to include, in my opinion, a case of this kind!

(3) It is not for Boa-

to decide what should be taken into account & what not, for the award of compensation in cases of acquisition. The Ly Commr has to decide this in the first instance, & there is the Civil Court to pronounce finally on the subject in case it is appealed to as provided by law.

(4) There can be no doubt as to the desirability of securing the trees in question for your purposes and therefore of acquiring the land on which those trees stand.

(5) Please give the usual notification and direct that the needful be done.

22/12/07

As this is a case of land acquisition, submitted to the L.A. Commissioner

25/12/07

The Land Commissioner [illegible] [illegible] [illegible] the acquisition of lands [illegible]

(57) of a portion being reserved as a date grove The only question on wh there seems to be a difference of opinion is as to whether the lands should be acquired under the Land Acquisition Act or by amicable settlement with the Khatedars. I may remark here that the memo prepared in the Office is not quite correct as regards the point of the definition of "public purpose" having been before the Rev. Secy & decided by him in favor of the present contention

In the first case serial no 2 the question was whether land on which trees had been reserved could be summarily resumed The Secy was of opinion that ~~they~~ it could not be summarily resumed but should be acquired by amicable settlement "before resorting to the provisions of the Land Acqn Regn". In the second case the Govt Councillor distinctly says". Approved. It would be better if an amicable settlement can be effected by the Deputy Commr of the Distt. This should be mentioned in the order to be issued.

I should infer from this that the Govt as represented by the very Secretary had their scruples regarding the propriety not the legality of taking possession [illegible], duly and unreservedly granted. I am [illegible] for [illegible] the case in the present instance, under the Land acquisition Regn. May I suggest that a reference be made to the Govt Advocate?

4/2/1902

(11)

As the two Councillors disagree apparently the papers are again submitted to the 2nd Councillor. Unless the refce to the Govt Advocate may be made, the ~~paper~~ matter has to go before the Dewan

4/2/1902

4/2/02

Recd
5.2.1902

Note to Secy

If my impression as regards the question on which there is a difference of opinion ~~& on~~ which therefore is proposed to be ~~referred~~ referred to the Govt Advocate is ~~suggested~~ erroneous, kindly correct me - Otherwise let this be subd to the Dewan -

6/2/02

I donot think it is usual for the Deptts of Govt concerned, to refer such cases to the Revenue Deptt thereof. Am I right? ~~[illegible]~~ Please refer to precedents such as I.F. Muni D.P.W. Forest dept &c

2/ However a reference having been made & the 1st Cr (tho' not differing from me) having adverted to a difference of opinion (probably between the Secy & myself) the papers may be placed before the Dewan for favor of orders - This course is I believe in accordance with Rules (Vide Consold Compilation of Rules & Orders page 23).

3) The questions, as I understand them, are,

(a) Whether "cycle requirements" are "public purpose"?

& (b) whether the acquisition in question should be made by private negotiation or by a resort to the Land Acquisition Regulation?

I have no hesitation in answering question No (a) in the affirmative & I do not think Mr [illegible] holds a different opinion tho' the Secy seems to do so.

No (b) seems to depend upon the circumstances of each case & the present is not one in which an amicable settlement can be easily come to. Standing orders require action being taken in such cases under the Regulation & I am unable to find in these papers any trace of a difference of opinion on this point between the Secy the 1st [illegible]

And this I believe is the real question, the other one being a matter affecting the ~~[illegible]~~ mode of action or of procedure which is best calculated ~~[illegible]~~ to [illegible] -tive claim [illegible]

Excise Please obtain at once the papers and the precedents refd. to by 2nd [illegible] 7/2

No reference to the Govt Advocate seems necessary. 6/2/04

In the L.B.ds and ~~mid~~ Munl. Branches, land acquisitions cases are disposed of without reference to the Rev. Deptt.: but all the cases that I have so disposed of in that deptt. were such as I would feel no doubts about, ~~to~~ disposing of without reference to the Councillor in charge.

In the Forest Deptt., acquisition of Gomal lands &c for H purposes is disposed of with the concurrence of the Rev. Deptt. Two precedents are submitted.

H-7155-95 – Gomal land for State H.
H-7.140-95 – Sandal kotial-Howan

~~In as~~ On the question of grant of lands ~~for~~ containing date trees an order has been passed by the Dewan that an unofficial reference should be made to the 2nd Coun

R 738-93 and
Ex 7-24-96

Cellor (File Put up).

It was on the analogy of these Cases, and because I have a doubt as to whether these lands can be acquired as for a public purpose that I made the reference to the 1st Councillor.

If we can acquire the lands by private negociation, there is no difficulty at all and it may legally be done whether the purpose is a "public purpose" or not. This latter is, as observed by the 2nd Councillor the real question to be decided.

The Papers are therefore submitted to the Dewan for orders.

From the Statement in the orders of Govt referred to in the 1st Councillor's note that attempts should be made to acquire the lands by Private purchase

I inferred that Govt
had doubts about
the propriety of Consider-
ing such matters (mea-
sures merely to enhance
the revenue) as Public
Purpose

11/2/1902

Secretary's Office.

Excise Branch.

Office Note.

Subject. Proposal for the acquisition of certain survey numbers containing date trees in the village of Donde Madahalli, Nagamangala Taluk.

Last Reference. Letter No.3806/167 dated 7th December 1901 from the Excise Commissioner in Mysore.

From the vernacular records it is seen that Survey Nos.67,128.134, 135 and 136 now in the holdings of Donne Linga gowda and others, had been granted before the survey settlement in 1888 on the following conditions.

Survey No.67 was granted to the present occupant in 1883 on Kayamhulgaval tenure on the condition that he should not interfere with the date trees standing on it.

Survey no 128 was granted unconditionally.

Survey No.134,135 and 136 granted on grass tenure but subsequently for cultivation without any condition attached. Shortly after the Survey settlement in 1888, an order was issued by the Survey Superintendent to the Amildar of Nagamangala in the following terms:-

The settlement of Survey Numbers in question was postponed as they contained date trees. Now it has been confirmed and the occupants may be informed of it. As regards the date trees existing in them the following is the wording in Kanarese.

" [illegible]
[illegible]
[illegible] "

As the above wording was not clear the Excise Commissioner says that the Superintendent of Survey Settlement was addressed on the point, and that in reply it was stated that the date trees were not by the settlement, reserved to Government, but were conceded to the ryots as usual. From the above it is clear that the survey numbers in question were granted to the occupants unconditionally at the time of settlement.

As these lands contain a very large number of date trees, and as there is a paucity of date trees in the Nagamangala Taluk, the Excise Commissioner recommends their acquisition. In acquiring the lands the Deputy Commissioner states the Government is under no obligation to compensate the occupants for the value of the date trees on the ground that the trees belonged to Government before the settlement, and the Excise Commissioner supports it.

Now the question is whether the improvement of the State toddy Revenue comes under the definition of public purpose. In a case formerly referred to by the Excise Commissioner for the acquisition of certain occupied survey number, the then Secretary has remarked that it is so. In the same file (Sl. No. 2)× and in another file put up Sl. No. 5* of file No. 7 of 95 the acquisition of lands for purposes of State toddy Revenue was ordered either by amicable settlement or under the land acquisition Regulation (a copy of which is put up for reference.)

(Vide note on file No.23 of 96 put up.)

1st Councillors remarks.

The proposal was to resume the land summarily and the Secretary's recommendation was that the land should be acquired.

× This only refers to the above case.

* The Councillors order in the case is "approved. It would be better if an amicable settlement can be effected by the Deputy Commissioner of the District. This should be mentioned in the order to be issued".

There is another reference regarding the acquisition of certain lands containing date trees in the Bharmasagara Village, Chitaldrug District, which has been submitted by the Revenue Branch to the 1st Councillor.

Submitted to the 2nd Councillor.

Intd. L.A.
19/12/01.

On the question of the trees vesting in the occupant, the opinion of the Superintendent of Survey appears to be correct and should be accepted. If so, I do not see on what grounds it can be contended that we can resume the trees without compensating the occupant therefor.

On the question of acquisition, the "Public purposes" does not seem to be quite without dispute. Land Revenue Code, section 38, giving right to minerals says that Government shall have all the powers necessary for the proper enjoyment or disposal of such rights; and sub section 2 specially says that such lands may be acquired under the Land Acquisition Regulation. The absence of a similar provision for enjoying the benefit of trees standing on lands of others is significant and gives rise to an inference that the Regulation cannot be applied for the purpose. If mere " increase of revenue" ~~were a pu~~ were a public purpose, why should not a valuable but neglected inam village be capable of being acquired by a compulsory process by Government?

Put up

Intd. H.V.N.

20/12/01.

I donot quite understand the doubts raised in this note.

(1) The settlement made no reservation and I agree with the Secretary that the Government have now no interest whatever in the trees standing on the lands in question.

(2) We want the trees for excise purposes but we cannot get them without the lands on which they stand. Let us therefore acquire the lands themselves by a resort of course to machinery of the Land Acquisition Regulation. The expression "public purpose" employed in section 4 (1) is sufficiently wide to include, in my opinion, a case of this kind.

(3) It is not for Government to decide what should be taken into account and what not, for the award of compensation in cases of acquisition. The Deputy Commissioner has to decide this in the first instance, and there is the Civil Court to pronounce finally on the subject in case it is appealed to as provided by law.

(4) There can be no doubt as to the desirability of securing the trees in question for Government purposes and therefore of acquiring the lands on which those trees stand.

(5) Please issue the usual Notification and direct the the needful be done.

Sd. C. Sreenivasiengar

22/12/01.

As this is a case of land acquisition, submitted to the 1st Councillor.

Intd. H.V.N.

23/12/1901.

The Excise Commissioner has made out a strong case for the acquisition of the lands in question and for their being reserved as date grove The only question on which there seems to be a difference of opinion is as to whether the lands should be acquired under the Land Acquisition Regulation or amicable settlement with the Khatadars. I may remark here that the memo prepared in the office is not quite correct as regards the point of the definition of public purpose~~s~~" having been before the then Secretary and decided by him in favour of the present contention.

In the first case-Serial No.2 - the question was whether land on which trees had been reserved could be summarily resumed. The Secretary was of opinion that it could not be summarily resumed but should be acquired by amicable settlement "before resorting to the provisions of the Land Acquisition Regulation". In the second case the 3rd Councillor distinctly says "Approved .

It would be better if an amicable settlement can be effected by the Deputy Commissioner of the District. This should be mentioned in the order to be issued". I should infer from this that the Government as represented by the then Secretary had their misgivings regarding the propriety not to say legality of taking possession ~~tion~~ of lands, duly and unreservedly granted to an occupant as is the case in the present instance, under the Land Acquisition Regulation.

May I suggest that a reference be made to the Government Advocate?

Intd. V.P.M.

3/2/1902.

As the two Councillors disagree apparently, the papers are again submitted to the 2nd Councillor. Unless the reference to the Government Advocate may be made, the matter has to go before the Dewan.

Intd. H.V.N.

4/2/1902.

I do not think it is usual for the Department of Government concerned, to refer such cases to the Revenue Department thereof. Am I right? Please refer to precedents such as Local Funds, Municipal, D.P.W.,

Forest

Yes. I dont propose any such summary action in this case.

Intd. C.S.

My proposal is that an acquisition be made in the usual course and after going through the usual formalities prescribed for such cases other than urgent ones.

Intd. C.S.

Forest &c.

2) However, a reference having been made, and the 1st Councillor (though not differing from me) having adverted to a difference of opinion (probably between the Secretary and myself), the papers may be placed before the Devan for favour of orders. This course is I believe, in accordance with rules (vide confidential compilation of Rules and Orders page 23).

3). The questions as I understand them are-

(a) Whether "Excise requirements" are " public purpose" and

(b) whether the acquisition in question should be made by private negotiation or by a resort to the Land Acquisition Regulation?

I have no hesitation in answering question Number(A) in the affirmative and I do not think Mr. Madhava Rao holds a different opinion though the Secretary seems to do so.

No:(b) seems to depend upon the circumstances of each case, and the present is not one in which an amicable settlement can be easily come to. Standing x orders require action being taken in such cases under the Regulation, and I am unable to find in these papers

Note to Secretary.

If my impression as regards the question on which there is a difference of opinion and which therefore is proposed to be referred to the Government Advocate is erroneous, kindly correct me Otherwise let this be submitted to the Devan.

Intd. C.S.
6/2/02.

And this I believe, is the real question, the other being ~~merely~~ a matter merely affecting the adoption of such procedure as would best be calculated to protect us against future claims.

Intd. C.S.

x
Please attach them to this note There are several and if I am n mistaken the earliest of them relates to the Tarikere Municipality.

attached

Intd. C.S.

(9)

papers any trace of a difference of opinion on this point between the Secretary, the 1st Councillor and myself. No reference to the Government Advocate seems necessary.

Intd. C.S.
6/2/1902.

In the Local Boards and Municipal Branches, Land Acquisition cases are disposed of without reference to the Revenue Department; but all the cases that I have so disposed of in that Department were such as I would feel no doubts about disposing of without reference to the Councillor in charge.

In the Forest Department, acquisition of Gomal lands &c. for Forest purposes is disposed of with the concurrence of the Revenue Department. Two precedents are submitted

Forest file 155-95. Gomal lands for State Forest.
Forest file 140-95. Sundal Kothi at Hassan &c.

Returned to Ft. Office on 5/4/02

On the question of grant of land containing date trees, an order has been passed by the Dewan that an unofficial reference should be made to the 2nd Councillor. (File put up)

† R.F.138-93 and Ex.F.24-96

† returned to the Rev. Br. where ~~the~~ it is being dealt with on 5/4/02. (linked with 47 24/96)

It was on the analogy of these cases, and because I have a doubt as to whether these lands can be acquired as for a public purpose that I made/~~a~~ the reference to the 1st Councillor.

If we can acquire the lands by private negociation, there is no difficulty at all and it may legally be done whether the purpose is a "public purpose" or not. This latter is, as observed by the 2nd Councillor ~~is~~ the real question to be decided.

The papers are therefore submitted to the Dewan for orders.

From the statement in the orders of Government referred to in the 1st Councillor's note that attempts should be made to acquire the lands by private purchase I inferred that Government had doubts about the propriety of considering such matters (measures merely to enhance the revenue) as Public purpose.

13/2/1902

3383
13/2/02

"A public purpose" is I suppose
a purpose ~~for~~ ~~seek~~ of Govt
unconnected with any
private use and for the
acquisition of which Govt
funds contribute. If a
house is wanted for a school
house, or a Govt office I suppose
the Govt is entitled to acquire it under the L. A. act
If similarly a land is wanted for making a
dock [illegible] I do not see why it should not be acquired.
This position seems to me to be simple. The responsibility of deciding whether it is so wanted or not
is also a matter for the [illegible] This
was the practice I believe.

24.III.02

26/3

(11)

Notify for acquisition after submission of the file to the 2nd Councillor

2/4/1902

Recd. 2-4-02

Seen - I am agreeable to the issue of the Notification -

3/4

3/4/02

(Office note continued)

The Excise Commr has been in this office no 421/Ex dated 8th April 1902 requested to furnish certain particulars regarding the survey nos in question so as to enable Govt to publish the usual declaration in the Gazette

KG
6/5/02

necessary inform obtained & the declaration published -

Office note Continued

No. Honne Gowda,
the owner of S. No
135 & 136. petitions Court that
Compensation of Rs 50/- per acre
offered for these lands is too
~~poor~~ low when compared to the
heavy outlay ~~of Rs 300 to Rs 400~~
~~[illegible]~~ incurred by him over
these lands and prays that these
lands may not be disturbed
from his possession or he may
be given an equal extent of
land in the tank bed of Madalahi
tank which is in disrepair.
These lands seem to have been
used for pasture.
A draft forwarding the petn
for report is sub[mitte]d for approval

(The clerk shd read the Land Acquisition Reg.

7.9.03

I don't think the petn
need be sent to Ex Engr for
report. Put up endt. to the effect
that he shd ask the Dy Commr to
refer the matter to the Civil Court
if he does not agree to accept the
amount settled by the Dy Commr & that Govt will not interfere
7/9/03

Sec 18(1) gives a discretion to the owner of a property to request the Dy. Commr. to refer the claim to the Court but does not bind him to do this

Clause 3 of Section 31 authorizes the grant of some other land in exchange for the one acquired or reqd. to be acquired but this requires the sanction of Court. In making such grant it does not seem necessary to refer the matter to the Court

In the present petn there is a prayer for the grant of a land in exchange & this grant requires Court. Sanction. So a report was called for

A draft endorsement is however subd as ordered

Tsee
7.9.03

I have slightly modified the draft. The Govt. have not framed any rule – as elsewhere – under Secn 55 specifying the cases in wh land in exchange will be granted in land acquisition cases, and I do not see on what point the Dy. Commr is to report if lands are available & if further

~~[illegible]~~ Govt. think this is a case in which Lands may be granted in exchange, the petr's request can be favourably considered. But ~~the~~ preliminary point to be settled, before calling for any report from the Dewan is whether Govt. think this is a case in which lands in exchange shd be granted. So far as ~~[illegible]~~ I can see, this is not such a case & hence an endt. declining to ~~[illegible]~~ interfere is put up.

9/9/03

Sir?

Please see the 2nd Councillor's pencil remarks of 16.9.03 on the draft of endorsement No 942/[illegible] of 12.9.03

Nowhere is it ~~of~~ authoritatively ruled ~~decided~~ that lands can be acquired for such purposes under Land acqn. Regn. ~~for~~ An opinion had however been expressed by the Dewan because that this can be done (vide page 10 (typed copy) of this note & pages 10 & 11 of the note in the E.7 24-96 put-up) In accordance with this opinion a declaration was issued for acquiring the lands in qn in Dondemada halli village of Nagamangala Taluk

Ntfn
Issue
16-9-03

Issue
16-9-03

H Secy

16/9/03

20/9

327
22-9-03
Camp Mysore

The 2nd Councillor

Seen
22/9/03

22/9/3

(Letter No. 5376 L. 16 Sep 1903 from the Rev Commr.)

24/9

Note Contd

nos 67, 128, 134, 135 & 136

Out of the 5* lands of the Dondemadahalli ordered to be acquired under L.A. Regn & notified in the Gazette the owners of lands nos. 67, 135 & 136 have protested against the acqn & the Rev. Commr has in his letter no 1376 of 16/9/03 under disposal, argued that such acqns are not authorized by L.A. Regn & are opposed to policy

Subd

True
20.10.03

Though I have already noted in this case that the view of the Rev. Commr is more probably sound than the contrary one, I think the matter has been settled otherwise by Govt and I do not think that this has come up properly. The order was passed by Govt in the Sec-Dept. Instead of receiving this petn of remonstrance, calling for a report thereon and submitting a representation to Govt, I think the Rev-Commr should have declined to take cognisance of the petition as being outside his province. May a reply as drafted be sent?

21/10/03

X The Dewan
through the 2d Coun

(17)

I have already expressed the opinion that this is a public purpose. Govt have passed orders accordingly. I do not think the Revenue Commr's opinion to the contrary is correct. But I doubt whether this is a matter with which I am now competent to deal.

30/10/03

30/10/03

13753
2.11.03.

D 27/3/03

05-366

Please see order 375867/- para 7. All such correspondence passes under the new Commr. (But I do not yet see why.) Simply reply that Govt having decided the question in the affirmative any further expression of the new Commr's opinion is uncalled for and it was inexpedient that he should have received petitions on a matter in which Govt had already passed final orders.

19.XI.03

If acquisition of lands for a plantation, or the addition or [illegible] or for an experimental farm I do not see why a contrary opinion should be held in this connection. This is only a justification for the view taken by Govt.

?

21/11

Draft faired
21.11.03

Office note continued

The Rev. Conry was informed accordingly. He now asks in No. 2798 of 28/11/03 for copies of Govt orders affirming the legality of acquiring lands for date groves under the Land Acqn. Regn. As regards such orders please see pages 14 & 15 of this note.

No $\frac{422}{E}$ of 24.11.03

Sub. C.S. for orders

Tree 5.12.03

The 2nd Councillor & the Dewan concurred in holding that the purpose in question was a public purpose and that Govt could proceed under the Land Acqn Regn to acquire lands for such purpose. Vide pp. 5, 8 & 17 of this note for the 2nd Councillor's minutes and pp 10 & 17 for the Dewan's minutes.

No general order was formulated and issued in accordance with that finding, as there was no occasion for issuing such order, the question which called for the finding having been raised by the Secretariat. Accordingly in pursuance of the said finding, a notification was issued in the Gazette, under the authority of Government, for the acquisition of petitioner's lands, for a public purpose, namely, "for reservation as a date grove".

Orders are solicited if a spare copy (attached) of this notifn. may be sent to the Rev: Conry in reply to his letter. [illegible] 5/12/03

Send a Copy

Say that the [illegible] [illegible] [illegible] [illegible] decision [illegible], & that no [illegible] order was required or issued.

6/12/03

S. R. File 17 of 01-02

8 Ly.

Ex. 173

7504
12.xii-01 ~~190~~ 1901

FROM P. N. Purnaiya Esquire B.A.
Excise Commissioner
in Mysore

To H. V. Nanjundayya Esquire
Secy. to the Govt of Mysore,
General & Revenue Depts

Dated 7th December 1901
Despatched 11 — do
Received
General No. 3806
No. 167
Enclosure No. 1 and a file of vernacular papers

Recommends the acquisition for the purposes of State Toddy Revenue, of certain Survey numbers in Donday Madahalli, Nagamangala taluk, containing over 11,000 date trees and submits copies of certain correspondence and vernacular records bearing on the subject

Exm
12/12/01

Submitted

A complete history of the case is given in the letters of the Dy. Commr., and the Subdivision Officer, French rocks.

Ks
16/12/01

Subd to Secy
16/12/01

The Dy Cr's opinion that Govt is not bound to compensate — is repeated by the Exc. Cr. without any reasons. Is this acc[ording] to any rule or order or opposed to it?

Is this a public purpose? Are there precedents?

The matter is one by no means so self evident in ~~[illegible]~~ its chief aspects, that the paper shd. have been brought up for disposal in this ~~most careless~~ easy-going manner.

The Dy Secy. will oblige me by getting a full note put up & sending the paper back with it before tomorrow.

19/12/01

Office of the Excise Commissioner
in Mysore
Bangalore, dated 7th December
11 1901.

No 3806 / 167 Encl: 1 and a file of vernacular papers.

From

P. N. Purnaiya Esquire BA
Excise Commissioner
in Mysore.

To

H. V. Nanjundayya Esquire M.A.
Secretary to the Govt. of Mysore.
General and Revenue Depts.

Sir,

I have the honor to state that the Excise Officers of the Nagamangala taluk brought to my notice that Honnay Gowda, occupant of Survey Nos. 135, 136 and 67 in Dondaymudahalli village, Nagamangala taluk, had destroyed in them a large number of date trees which had been reserved to Government at the Survey Settlement. On questioning Honnay Gowda, he said that no orders were given to him either at the Survey Settlement or by the Taluk authorities as to how he should conduct himself in regard to the date trees standing in the above numbers; that he did not destroy the trees in question; and that he did not know who set fire to them

2. On enquiry I ascertained that the Superintendent of Revenue Survey and Settlement, shortly after the Settlement of the Nagamangala taluk, issued a Kanarese order No. 267 dated 12th June 1888, to the Amildar to the effect that Survey Numbers 67, 128, 134, 135 and 136 of the aforesaid Donday Madahalli

Village, the settlement of which had been postponed on account of date trees existing in them, have been now confirmed in favour of the occupants; and that in regard to the date trees therein, whatever orders have been issued generally should be carried out. The orders not being clear, I addressed the Superintendent of Revenue Survey on the subject. In reply he says in his letter No. 662, dated 3rd March 1900, that the date trees in Survey numbers 67, 128, 134, 135 and 136 in question, not having been reserved to Government, have, by his settlement, been conceded as usual, to the ryots.

3. As these Survey numbers contain numerous date trees, on which many shops depend for toddy supply owing to the paucity of date trees in the Nagamangala taluk, I requested the opinion of the Deputy Commissioner Mysore District, as to the desirability of acquiring them. In his letter No. 1166, dated 10th November 1901, the Deputy Commissioner says that they are covered by a thick growth of date trees numbering over 14000 and the whole tract is fit to be conserved as a date grove for the benefit of the Excise Department, and thinks that the Government is under no obligation to compensate

the occupants for the value of the date trees which never belonged to them prior to the settlement. A copy of his communication, together with the whole file therewith received, is herewith submitted

4. The particulars of the Survey numbers as gathered from the Amildar's report no. $\frac{184}{686}$, dated 6th October 1901, to the Deputy Commissioner, are hereunder given:—

	area		assessment			Date trees		Young trees	
Number:	a.	G.	Rs.	as.	P.	Fit for tapping	Unfit for tapping at present.	Which will become fit shortly.	Pl
67	34	21	22	0	0	1000	100	500	40
128	13	0	7	8	0	400	800	400	29
134	6	26	4	0	0	600	400	500	20
135	10	10	9	0	0	100	800	800	13
136	10	10	9	0	0	1000	700	600	29

Survey no. 67 was granted to the occupant -

occupant in 1883 on "Kayamhulgaval" tenure, a mutchalika being taken from him on 3rd February 1884, to the effect that he shall not in any way interfere with the date trees standing on it

Survey no 128 was granted for cultivation unconditionally.

Survey Nos. 134, 135 and 136 were granted only for grazing purposes in consequence of date trees standing on them.

5. In certain taluks, (for instance in the Chennapatna and Kankanhalli taluks) the date trees standing on lands occupied for grazing purposes before the settlement, have been reserved to Government. Accordingly the date trees noted aforesaid

Survey nos. 67, 134, 135 and 136, ought to have been so reserved. The Settlement officer however, says that they have not been reserved to Government. For want of sufficient supply of date trees in Government unoccupied lands in the Nagamangala taluk, the shop rent for the current year has fallen from Rs: 17,208/ to Rs. 11,493/. Accordingly it is of utmost importance that the abovementioned survey numbers should be acquired for the purposes of State Toddy Revenue, as recommended both by the Amildar of the Nagamangala taluk, and the Deputy Commissioner, Mysore District. I beg to solicit that the usual Government

Notification may be published in the Mysore Gazette to enable the Deputy Commissioner to take necessary action for the acquisition of the lands

I have the honor to be
Sir
your most obedient servant

Excise Commissioner
SD in Mysore

10

No. 1166.

Enc. One file of
Ver. papers.

Deputy Commissioners office,
Mysore District
Dated $\frac{10^{th}}{14^{th}}$ November 1901

From
H. Ramanujaiengar Esquire
Deputy Commissioner,
Mysore District

To
P. N. Purnaiya Esquire BA
Excise Commissioner
in Mysore.

Sir,

Adverting to your No. $\frac{5015}{161}$, dated 7th March 1900, requesting to be informed whether it is feasible and desirable to acquire the lands in the holding of Donne Linge Gowda bearing Survey Nos. 67, 128, 134, 135, and 136 situated in the village of Donde Madahalli in the Nagamangala taluk, I have the honor to state that they are covered by a thick growth of date trees numbering over 14,000 including the seedlings. And the whole tract is fit to be conserved as a date grove for the benefit of the Excise Department.

2. The lands will have to be acquired under the provisions of the Land Acquisition Regulation, and I think that the Government is under no obligation to compensate the occupant for the value of the date trees which never belonged to him prior to the settlement.

3. A copy of letter No. 1261, addressed to this office by the French Rocks Sub-Division officer, so far back as 1897, is herewith sent for information, together with the vernacular file of papers relating to the subject—

Subject, as per accompanying
Forest received with the
Nagamangala Taluk Amildar's
No. 104/686, dated 6th October 1901

I have the honor to be
Sir,
Your most obedient servant
Sd/ H Ramanujaiengar
Offg. Deputy Commissioner
Mysore District

"Copy"

Excise Commissioner
SO in Mysore

S. R. File 17 of 01.
Cl 2

To
The Excise Commr
in Mysore.

Dated 8th April 1902.

No E 421 Exce V. P.

His letter no. 3806/167 of the 7th December last recommending the acquisition, for the purposes of State toddy Revenue, of certain Survey nos in Donde madahalli, Nagamangala Taluk containing a very large number of date trees

With reference to the above has the honor to request that he will be so good as to forward the usual early ~~of~~ declaration, giving the particulars & boundaries, of lands intended

P. Ver. records herewith returned for ref. & requisition

to be acquired, ~~so~~ ~~[illegible]~~
~~the~~ so as to enable E in C
to publish in the Gazette
the required notification

" S E "

7/4/62
For Secretary

4/4/62.

From

The Secretary to the
Government of Mysore
General and Revenue
Departments

To The Excise Commissioner
in Mysore

Dated 8th April 02.

No $\frac{421}{Ex.}$ Gns V. P

His letter No 3806 dated the 7th December '67 last recommending the acquisition for the purposes of State Toddy Revenue of certain Survey Numbers in Dondemadahalle Nagamangala Taluk, containing a very large number of date trees

With reference to

The above has the honor to request that he will be so good as to forward early the usual declaration (Vernacular papers herewith returned for reference and resubmission) giving the particulars and boundaries of lands intended to be acquired, so as to enable Government to publish in the Gazette the required Notification.

By order
(Sd) L. Ananthaswami
Rau
For Secretary.

No $\frac{6331}{177}$ Ex. 1 file of V. P.

Official Memorandum

Copy of the foregoing is forwarded

17

forwarded to the Deputy Commissioner, Mysore District, for favour of early compliance.

(Sd) S. Venkata Runga
Iyengar
For Excise Commissioner
in Mysore —

No 405
Ex. V. P.

Copies of the above together with the Vernacular records therewith received are forwarded to the Sub Division Officer French Rocks for very early compliance

Mysore
18. 4. 1902

(Sd) M. Padmanabha
Iyengar
For Offg Deputy Commissioner
Mysore District.

Copy
N. Venkata Rao
Sub Div officer
man French Rocks

S. R. File 17 of 01
83

Ex 1602
3.11.02

18

OFFICE OF THE DEWAN OF MYSORE
4749
3 NOV. 1902

1902

FROM
P. N. Ponnaiya Esq BA
Excise Commissioner
in Mysore

To
H. V. Nanjundayya Esq MA ML
Secretary to Government
General and Revenue Departs.

4

Dated 25th October 1902
Despatched 29
Received
General No. 2357
No. 97
Enclosure No. 1&1 plt

Submits copy of the usual declaration received with the Mysore District Deputy Commissioner's communication showing the particulars and boundaries of lands intended to be acquired in the Nagamangala taluk for the purposes of State Toddy Revenue

Exn
1.11.02

Recd 3.11.02

Excise Commissioner's Office
Bangalore, Dated 25th [illegible] 190

From

P. N. Purnaiya Esq. B.A.
Excise Commissioner
in Mysore

To

H. V. Nanjundayya Esq. M.A., M.L.
Secretary to Government
General and Revenue Department

Sir,

With reference to your docket No. 4 dated 8th April 1902, and last Reminder No. 71/Ex, dated 19th July 1902, I have the honour to submit herewith copy of the usual declaration received with the Mysore Dist. Deputy Commissioner's docket No. 753, dated the 17th instant, showing the particulars and boundaries of lands intended to be reserved in the Nagamangala taluk for the purposes of State Toddy Revenue.

[illegible]

I have the honour to be,
Sir,
Your most obedient Servant,

for Excise Commissioner
in Mysore

[illegible]

Notification

Under section 6 of the Land Acquisiti

that the lands mentioned in the following

purpose, namely for reservation as a date

District is authorized under Section 7

for the acquisition of these lands

District	Taluq	Hobli	Village	Name of the holder	Survey No.	Total ar
						A
Mysore	Nagamangala	Devalapura	Dondamadahalli	Ninge Gowda bin Hounegowda 31-19 20-"-"	67	4
				Guiti Houna 1-21 1-0-0		
				Sinde Gowda bin Bore' gowda	128	14
				Guddi Narasa	134	7
				Houne gowda	135	10
				Houne gowda bin Gende' gowda	136	9

17th October 1902.

To the Compiler Mysore Gazette for publication in 3 succeeding issues of the Gazette with a request to supply 50 copies to the Ex. Commr

for Excise Commiss

MR

No 241/Eg. 107 18/11/02

- Regulation No III of 1894, it is hereby declared
statement are required for a public
grove, and the Deputy Commissioner, Mysore
f the same Regulation, to take ~~action~~ order

	Kharab		Remaining area		Assessment			Boundaries				Remarks.
								East	West	North	South	
G	A	G	A	G	Rs	as	p	Survey numbers.				
									68 69			
26	12	26	33	"	21	"	"	122	116 118 119 120	65 & 66	122	
5	1	5	13	"	7	8	"	122	129	122	127 & 130	
30	1	4	6	26	4	"	"	130 & 131	135 & 136	129	132 & 133	
10	"	"	10	10	9	"	"	133 & 134	138	136	Thottahally boundary	
17	"	"	9	17	7	"	"	134	137 & 149	129	135	

(Signed) K. Kantharaj Urs.
Offg: Deputy Commissioner
~~Mysore District~~
Blr.

copy to
ner
Mysore

17/11/02
For Secretary

REVENUE.

No. 241—*Ex., dated* 18*th November* 1902.

Under Section 6 of the Land Acquisition Regulation, VII of 1894, it is hereby declared that the lands mentioned in the following statement are required for a public purpose, namely, for reservation as a date grove, and the Deputy Commissioner, Mysore District, is authorized, under Section 7 of the same Regulation, to take order for the acquisition of these lands:—

District.	Taluk.	Hobli.	Village.	Name of the holder.	Survey No.	Total area.		Kharab.		Remaining area.		Assessment.			Boundaries.			
															East.	West.	North.	South.
						A.	g.	A.	g.	A.	g.	Rs.	a.	p.	Survey Numbers.			
Mysore.	Nagamangala.	Devalapur.	Dondemadahalli.	Ninge Gowda *bin* Honne Gowda, 31—19 20 0 0 Gunti Honna, 1—21 1 0 0	67	45	26	12	26	33	0	21	0	0	122	68, 69, 116 118, 119, and 120.	65 & 66	122
				Sinde Gowda *bin* Bore Gowda ...	128	14	5	1	5	13	0	7	8	0	122	129	122	127 & 130
				Guddi Narasa	134	7	30	1	4	6	26	4	0	0	130 & 131	135 & 136	129	132 & 133
				Honne Gowda	135	10	10	...		10	10	9	0	0	133 & 134	138	136	Thottahalli boundary.
				Honne Gowda *bin* Gendi Gowda ...	136	9	17	...		9	17	7	0	0	134	137 & 149	129	135

By Order,

H. V. Nanjundayya,

Secy. to Govt., Gen. & Rev. Depts.

S.R. File 17 of 01

8d U.

Read:-

Letter No $\frac{2351}{97}$ of 25/10/02 from the Excise Commr in Mysore, submitting, with reference No 421-E of 8/4/02, copy of the usual declaration received from the Deputy Commr, Mysore Dist, showing the particulars & boundaries of lands to be acquired in the Nagamangala Taluk, for the purposes of the State Toddy revenue

---

Order thereon:- qu VP No $\frac{2160}{E}$ of 18/11/02

The declaration received with the above will be published in three successive issues of the Gazette.

2 Under Section 7 of the Land Acqn Regulation VII of 1894, to take orders for the acquisition of the lands in question

The Dy Commr, Mysore Dist is authorized

17/11/02

For Secy

To the Revenue Commr in Mysore [illegible]

E 3609/1870 B

"Register and note at what stage the matter is" S. R File 17 of 01

(Sd) B.R. 4.7.03

190 3-04

No. 47

Name of Petitioner Hannegowda Son of Gundegowda

Village Kattahally Honakere hobli

Taluk Nagamangala

District Mysore

Date of Arzi 3.7.03

Date of Receipt 4.7.03

Date of Disposal

No. of Enclosure nil

Reference

24
0-7-03

[illegible]

15-7-03

Sub

May this be sent to the Excise Branch

21
16-7-03

Yes 17/7/03

The file is before the Dewan. Awaited its return

27.7.03

+. This petn not found in the Branch. Could not be traced

7.9.03.

Filed with note & Draft

7.9.03

ABSTRACT

Adverting to his appeal petn subd on 2/2 03 against the order of the Lower Authorities, giving him notice under the Land Acquisition Act to quit S. nos 135 and 136 of Madahally village of Devalapura hobli in the khata and enjoyment of the petr, as being required for the Excise Deptt, and to receive Rs 50/- per acre as compensation, submits that he had spent a large Sum ~~on~~ towards the improvement of the lands in question; that a large No. of his cattle depend upon the said land for pasture &c; that he cannot secure similar land ~~at~~ close by even for Rs 300 to 400 per acre; and that the acquisition was ordered without local investigation.

Prays that his land may not be acquired, or if that is not possible, he may be granted in exchange, an equal extent of land in the tank bed of Madahally tank which is in disrepair

MYSORE DEWAN'S O
PETITION DEPARTMENT
REGD. NO. 47 R.
DATE 4-7-1903

Reg: and ask at what stage the matter is
4/7

[illegible]
[illegible]

[illegible]

47 [illegible]

[illegible]

[illegible]

I [illegible] 35 [illegible] 10 [illegible] 1 [illegible] 10 [illegible] 9 [illegible] 1 [illegible] 36 [illegible] 9 [illegible] 7 [illegible] 1 [illegible] 300 . 400 [illegible]

[illegible]

(2) [illegible] 2 . 2 . 903 [illegible]

(3) [illegible] 2 - 2 . 903 [illegible]

[illegible] 200 . 300 [illegible]

(4) [illegible] 400 [illegible]

(5) [illegible] 200 [illegible]

(6) [illegible]

(7) [illegible]

(2)

25

[illegible]

3.7.1903

[illegible]

S. R File 17 of 01

29

8

C 866
15/9

No 242/Ep
Dt. 12/9/03

Endorsement

With reference to his petn. ref. No. 47/E 36.9 of 23/28th May 03 praying that he may not be dispossessed of his lands Nos 135 & 136 of Dondenoodahalli village, Nelamangala Taluk, Mysore Dist, which are declared to be acquired for a date grove and that should this be impossible he may be given an equal extent of land in the bed of the Noodahalli tank which is under disrepair, Honne Gowda of Kattahalli, Nelamangala Taluk

If I am not mistaken
a similar ~~[illegible]~~ case
came back
as to whether lands
once acquired
for date groves
under the L. A. Regn
Please see whether there
is anything in the file relating
to certain lands at [illegible] 24
~~[illegible]~~ B[illegible] which were
relinquished to be
ordered last
resumed
year - ll
16/9/03

is informed that
he ~~should~~ may report
the Dy. Commr, Mysore
Dist to refer the
matter to the Civil
Court if he does not
agree to accept the
amount settled by
the Dy Commr and
that Govt. will
not interfere

that, if he desires other lands in exchange he should apply to the Dy Commr in first instance

Pdl

Send

No 243/Ex

Copy forwarded to the Excise Commr in Mysore with ref. to Govt Pro. No 240/E of 18/4/02

Pdl

15/4/3

Recd

Issued 7.9.03

S. R. File 17/02 E 147 of 17.9.03 31

Se 7

1903.

The file is before the Secy. Subd. in conn. with the inquiry made by the 2nd Cy.

17.9.03

From

V. P. MADHAVA RAO, Esq., C.I.E.,
Revenue Commissioner in Mysore.

To

H. V. NANJUNDAYYA, Esq., M.A., M.L.,
Secretary to Govt. of H. H.
the Maharaja of Mysore,
Revenue & General Depts.

Filed with ref. & office note Contd

20.10.03

Dated 16th Septr 1903
Despatched
Received
General No. 1376
No.

Enclosure No. 3 & V.P.

Forwarding for Govt orders certain papers re acquisitions of S. Nos 67, 135 & 136 of Doddamaddohalli Nagamangala Taluk for purposes of Toddy revenue & stating that improvement of toddy revenue is clearly not a public purpose.

Excise
17/9/03

Filed

MGCPB—28-2-03—2000

No 1376

En 3 & 18.

OFFICE OF THE REV. COMR. IN MYSORE,
Bangalore, 16" September 1903.

FROM
V. P. MADHAVA RAO, ESQ., C.I.E.,
Revenue Commissioner in Mysore.

TO
H. V. NANJUNDAYYA, ESQ., M.A., M.L.,
Secretary to the Govt. of H. H. the Maharaja of Mysore,
General and Revenue Depts.

SIR,

I have the honor to forward for the orders of Government two petitions received from Kulle Gowda and Honne Gowda complaining that their lands (Survey Nos. 67,135,& 136) at Donde Madahalli, Nagamangala Taluk, which are indispensable ~~for~~ to them have been notified by Government for acquisition as Date Groves. On receipt of the above petitions I calledfor a report from the Deputy Commissioner, Mysore District, as to the circumstances under which the lands in question were proposed to be acquired, and in reply that officer states in his letter No. 894 dated 12th March 1903 (herewith forwarded in original with its enclosures for perusal and kind return) that on the recommendation made by the Excise Commissioner the acquisition of the lands on behalf of the Excise Department was authorized by Government in their Proceedings No. 240/ Ex. dated 18th November 1902.

The principle involved in this question seems to me of very great importance. It appears doubtful whether the acquisition for reservation as a date grove for purposes of the State Toddy revenue can be said to be acquisition for a public purpose. According to the ordinary canons of interpretation, it appears to me, the regulation should be strictly interpreted and under such an interpretation a compulsory acquisition solely for a fiscal purpose can hardly be said to be an acquisition for a public purpose. Such an acquisition is not on a par with acqui-

sitions

acquisitions for Forest reservation or for the extension of irrigation, for, these have a direct value to the public apart from the increase of revenue to the Government. I beg to point out that a contrary interpretation would have disastrous consequences as the Government can always step in for acquiring at the market value, lands which have a great prospective value to the owners with a view to [illegible] secure to Government the increase in value.

Further in the present instance the Government virtually competes with private land owners as regards the tree rent which is against the well understood rule that Government should not run any business in competetion with its subjects.

The Government have adopted a liberal policy in securing for the private land owners an income from their date trees limited only by a maximum of 4 annas per tree at which ~~trees~~ price Government trees are available. This, I believe, was intended to create in the private owners an interest in the cultivation and conservation of date trees. Thepresent policy of acquiring lands on which date trees are standing would defeat this object as private owners would not, from fear of having their lands compulsarily acquired by Government, encourage the growth of toddy trees on their lands and thus there will be diminution in the number of trees from which toddy demand for the state is met.

In the above view I would deprecate any acquisition of lands which are valuable to the owners solely for the purpose of being set apart as toddy groves.

I have the honor to be,

Sir,

Your most obedient servant,

For Revenue Commissioner.

COURT FEE
GOVERNMENT OF MYSORE
ONE ANNA
[illegible]

regd by post & one anna stamp affixed.

34

THE OFFICE OF THE REVENUE COMMISSIONER
No 1334
7 FEB. 03
BANGALORE.
MYSORE

[illegible] 10.2.03 [illegible]

Abstract
lih
10/2/03

[illegible]

[illegible] 67 31·19 [illegible] 20 [illegible] 18·11·902 [illegible] 241 [illegible]

[illegible] 67 [illegible] 1884 [illegible] 141/3·2·84 [illegible]

[illegible] 67 [illegible] 21/12·6·88 [illegible]

[illegible] 67 [illegible]

[illegible]
[illegible]
[illegible] 29.6.96 [illegible] 2225 [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
36/5.8.96 [illegible] 201/5.8.95 [illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 352/9.4.95 [illegible]
[illegible] 498/18.10.91 [illegible]
[illegible]
[illegible]

1884 [illegible]
[illegible]
[illegible] 1883 [illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]

[illegible]
[illegible]

[illegible]

[illegible]

ತಾ. 6/1/1903. ಬೊಡಿಯಾದಲಅಳ್ಳಿ ಮೊಗ್ಗೆ ನಿಂಗೆಗಾಡನಮಗ
ಹುಳ್ಳಿಗಾಡನರುಜು

regd by kasl
v
1 anna stamps
affixed

COURT FEE
GOVERNMENT OF MYSORE
ONE ANNA
6/2/03

37

THE OFFICE OF THE REVENUE COMMISSIONER
No 1336
10 FEB. 03
BANGALORE,
IN MYSORE

[illegible] 3.2.03 [illegible]

Abstract
dih
10/2/03

[illegible]

[illegible] 135 10.10 7-00 [illegible] 136

[illegible] 9.17 7-00 [illegible]

[illegible] 18.11.902 [illegible]

241 [illegible]

[illegible] 135·136 [illegible]

[illegible]

[illegible] 1868 [illegible] 22 [illegible] 33 [illegible] 215 [illegible]

[illegible] 1888 [illegible] 135-136 [illegible] 21 [illegible] 15 [illegible].

[illegible] 4 [illegible].

[illegible] 135-136 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

6/2/903 [illegible]

40

OFFICE OF THE REVENUE COMMISSIONER
No. 1845
16 MAR 03
BANGALORE
MYSORE

190 2-03

From

The Dy Commr
Mysore Dist

To

The Rev. Commissioner in Mysore

Dated 12 }
Despatched 14 } Mar 1903
Received }

General No. 894
No.

Enclosure No One file

Reporting on the petition of Kalegowda.

Ref
16/3/03

[illegible]
16/3/03

Subs
A
16/3

MGCPB—50 reams.—6-12-02.

Mysore Dy Comr's Office
Dated March 1903.

From, M. Kantharaj Urs Esq: B.A.
Offg: Deputy Commissioner
Mysore District

To, V. P. Madhava Rao Esq: B.A: C.I.E.
Revenue Commissioner
in Mysore

Sir,

With reference to your docket No 1388 dated the 14th February/03, forwarding in original the petitions of Kallegowda and Honnegowda of Nagamangala Taluk, complaining that the lands which are very useful to them, have been notified for acquisition by Government for reservation as date groves, and calling for a report as to the circumstances under which the groves mentioned above are proposed to be acquired by Government, I have the honor to state as follows:-

2. The petitioners Kallegowda and Honnegowda own lands

bearing

42

bearing survey No. 64, 135 and 136 in the village of Dondemadenahalli, Nagamangala Taluk. The Chitta accounts of the year Nala show that survey Nos 135 and 136 were hulgavab lands and that they were given out for cultivation in Kilaka, but upon what conditions it is not known.

3: Under the orders of Government that lands suitable for date groves should be reserved, the lands in question were selected as the best suited for the purpose as there was a large number of date trees on them and a report was made to the Excise Commissioner in Mysore with the result that Government authorized the acquisition of the lands (vide Government Proceedings No. $\frac{240}{Ex}$ of 18th November 1902)

4. The Sub Division Officer reports that steps are being taken for settling the compensation payable to the petitioners.

The

6 The Sub Division Officers report together with its enclosures and petitions of Honnegowda and Kallegowda are herewith transmitted.

I have the honor to be,
Sir,
Your Most Obdt Servt:,

Deputy Commissioner
Mysore District

8-3-03

Dt: 8hr:

9.3.03 Put up

Reg. No. 226

9.3.03

1902-03

FROM N. Venkata Rao Esqr
Sub Division Officer
French Rocks

To M. Kantaraja Urs Esquire
Dy Commissioner
Mysore District

Dated 7 } March
Despatched
Received

General No. 591
No.

Enclosure No. one file of pp and 3 copies

His memo No 260 dated 21st ultimo giving cover to copy of Revenue Commissioners docket No 1388 of 17 idem calling for report on the petitions × of Kallegowda and Honnegowda of Nagamangala Taluk, has the honor to state that the lands referred to in the petitions of

× herewith returned

of the said lands viz survey Nos 67, 135 and 136 in Dondemadahally village were reported by the Amildar of Nagamangala Taluk to contain a very large number of date trees and were recommended to be reserved for purposes of the State toddy revenue. The matter in due course went up before Government who in their Proceedings No $\frac{240}{Ex}$ d/ 18 November 1902 authorised the Deputy Commissioner to acquire the said lands under Section 7 of the Land Acquisition Regulation for the said purpose. Steps are now being taken in this Office for settling the compensation payable to the petitioners and others whose lands have also to be acquired for the same purpose.

Copies of Amildar's report, Excise Commissioner's memo and Government Proceedings on the subject are herewith forwarded for reference.

N. [illegible]
Sub Division Officer
French Rocks

Regd by post
& 2 Rs worth of stamps affixed

46

THE OFFICE OF THE REVENUE COMMISSIONER
No 1306
7 FEB. 03
BANGALORE,
IN MYSORE

To

The Revenue Commissioner
With the Govt. of Mysore
Bangalore.

May it please your Excellency

The petitioner Kulle Gowda son of Donne Linge Gowda of Donde Madahalli, Devalapur Hobli Nāgamangala Taluq, begs to bring the following few lines into your favourable consideration.

The petitioner owns a land of 39½ acres survey no: 67 in the Village of Donde Madahalli which he now hears is about to be acquired by the Excise Department as published in the Mysore Gazette dated 18.11.02 Excise no: 241, without even giving a notice to him. ? 20th Nov 02

The petitioner has kept this land partly for grazing his large number of cattle and partly for cultivation from 1884 and during the survey settlement the tax was revised and this land was left in possession of the petitioner as per order no $\frac{141}{3.2.84}$ while the Excise Department holding the sole privilege of tapping the date trees therein as per Survey Superintendent's order no $\frac{219}{12.6.88}$.

Later on when there was a complaint against the petitioner in 29.6.96 by Malekatti Venkataramiah and others, the Deputy Commissioner has ordered in favour of the petitioner in order no $\frac{36}{5.8.96}$ stating that since the petitioner is in possession of the land for the past 12 years he should be left undisturbed. He has given the same order to the French Rocks Sub Division officer in no $\frac{201}{5.8.96}$

When Eadegara Narase Gowda and others complained to the Excise Daroga in 95 without reason since because by their spoilt of the date trees they would be blamed, it was enquired into by the Sub Divisional officer and the Deputy Commissioner and when the petitioner was found not guilty they have given the same judgement in their order Nos $\frac{352}{9.4.95}$ and $\frac{498}{18.10.97}$ respectively.

The petitioner has sustained a great loss in improving the growth of date trees in addition to the overcoming all these difficulties and in improving a portion of the land fit for cultivation.

The petitioner is a man of large family paying a tax of nearly 400 Rs to Govt annually. He has no other field except this to graze his large number of cattle upon which alone his agriculture chiefly depends.

By acquiring this land to the Govt, it will not yield more revenue than the land assessment.

As the petitioner has carefully preserved the date trees without giving room for the contractors of the Excise Department to waste them according to their wishes, they have reported upon zealosy about the acquisition of this land. The petitioner does not at all object to the tapping of the date trees, and moreover he improves the growth of the same.

Considering all these circumstances the petitioner prays your Excellency that after perusing all the records connected with this land, it may be left in possession of the petitioner who will never incur any loss to the Excise Department.

I beg to remain
Most respected Sir,
Your most obedient humble servant

Dated 3rd February 1903

Recd by post - 4
2 Rs worth of S.Co - fee affixed

GOVERNMENT OF MYSORE 8A
EIGHT ANNAS
16-12-02

THE OFFICE OF THE REVENUE COMMISSIONER
No 1305
7 FEB. 03
BANGALORE,
IN MYSORE

To

The Revenue Commissioner
With the Government of Mysore
Bangalore.

May it please your Excellency.

The humble petitioner Honne Gowda son of Gunda Gowda of Tattahalli, Honakere hobli Nagamangala Taluq, brings the following grievances for the favourable consideration of your Excellency.

The petitioner owns a land survey nos 135 and 136 in the Village of Madahalli, Devalapur hobli Nagamangala Taluq from time immemorial. The petitioner now hears that this land is to be acquired by the Excise Department for the improvement of date groves part of this land containing date trees is used for grazing and the other part is under cultivation

The accompanying records show, what are all the fiscal and physical difficulties the petitioner has sustained for the possession and enjoyment of the said land. The petitioner is a man of large family whose entire subsistence depends upon agriculture alone which requires large number of cattle for its cultivation This is the only piece of land for grazing his cattle as his other Valuable Kawals were taken away by the Amrita Mahal and Engineering Departments in the years 1868 and 1898 respectively without any remuneration

Now the Excise Department wants to take away the only Valuable Kawal from the petitioner without giving him even a notice for its acquisition on the ground that there are certain number of date trees on it. It is well known to your honor that the Excise Revenue is not a permanent yield than the land assessment.

The petitioner has no objection for the tapping of the date trees without any annoyance to the cultivation and grazing of his cattle.

Notwithstanding all these, if the Excise Department is bent upon acquiring this piece of land which is the only important property of the riot, the petitioner begs that an equivalent area in the bed of Madahalli tank may be given to him in lieu of his Kawal.

Under these circumstances the petitioner prays that the Revenue Commissioner will kindly call for all the records connected with his case after perusing all the references herein enclosed and do justice to this poor riot and show mercy.

Dated 3rd February 1913

I beg to remain
most respected Sir,
Your most obedient humble servant.

[illegible] No III

[illegible]

[illegible]

[illegible] 198/283 [illegible]

[illegible]

2112/119/11[illegible]

[illegible]

20-6-82 [illegible]

[illegible]

[illegible] 2-0-7

[illegible]

[illegible]

[illegible]

1167 [illegible] 20-2-00 [illegible]

169 [illegible]

[illegible] 67 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

2 [illegible]

[illegible]

[illegible]

[illegible]	[illegible]	[illegible]	[illegible]		
			[illegible]	[illegible]	[illegible]
67 —	34-21	22-0-0	1000 - 100	500-0	4000-0
125 —	13-0	7-8-0	400 — 800	400-0	2000-0
134 —	6-26	4-0-0	600 - 400	500-0	2000-0
135 —	10-10	9-0-0	100 - 800	500-0	1300-0
136 —	10-10	9-0-0	1000 — 700	600-0	2000-0

[illegible]

297 [illegible]

to the Dy: Commr: Mysore District for information & guidance

The file of vernacular papers is herewith returned

Sd/ Venkata Ranga Iyengar
for Excise Commr: in Mysore.

Dy: Commr's Office
Mysore Dist

No. 215
V. on file

D/ 23rd Dec. 1902

Copy forwarded to the Sub Div: officer, French Rocks for information & guidance.

The file of vernacular papers recd: with the above accompanies

Sd/ H. Ramanuja Iyengar
Offg: Dy: Commr:
Mysore District

Copy

N. Venkata Rao
Sub Division officer
French Rocks

[illegible]

Proceedings of the Government of His Highness the Maharaja of Mysore

Read:-

Letter No. 2351 97 dated 25th October 1902, from the Excise Commissioner in Mysore, submitting with reference to No. 421-Ex dated 8th April 1902, Copy of the usual declaration received from the Deputy Commissioner Mysore Dist. shewing the particulars & boundaries of land to be acquired in the Nagamangala Taluk for the purposes of the State Toddy Revenue.

Order thereon No. $\frac{240}{Ex.}$ dated Bangalore 18th November 1902.

The declaration received with the above will be published in three successive issues of the Mysore Gazette.

The Dy. Commissioner Mysore district is authorized under Sec. 7 of the Land acquisition Regulation VII of 1894 to take order for the acquisition of the lands in question.

Sd/ L. Anantha Samy Row
for Secretary

Excise Commrs office
Bangalore 18th Novr. 1902

No. $\frac{2837}{77}$

Official memorandum

Copy of the foregoing is forwarded

to the Dy: Commr: Mysore District for information & guidance

The file of varnacular papers is herewith returned

Sd/ Venkata Ranga Iyengar
for Excise Commr in Mysore

Dy Commr's: office
Mysore Dist
D/ 23rd Decr 1902

No: 215
V. on file

Copy forwarded to the Sub Dn officer French Rocks for information guidance

The file of Varnacular papers recd with the above accompanies

Sd/ H. Ramanuja Iyengar
Offg Dy Commr
Mysore District

Copy

N. Venkata Rao
Sub Division officer
French Rocks

[illegible]

Ex 233 9 16/11/03

57

1903. R 1113.
12 OCT. 1903

S. R. File 17 of 01

From

V. P. MADHAVA RAO, Esq., C.I.E.,
Revenue Commissioner in Mysore.

To

H. V. NANJUNDAYYA, Esq., M.A., M.L.,
Secretary to Govt. of H. H.
the Maharaja of Mysore,
Revenue & General Depts.

Dated
Despatched 10 October 1903
Received
General No. 1640
No.

Enclosure No.

Forwarding for orders a petition from Honne Gowda of Kattahalli village Nagamangala Taluk, complaining against the acquisition of his lands.

Ref

RV
12.10.03

Vide separate slip

MGCPB—28-2-03—2000

No 1640
Encl

OFFICE OF THE REV. COMR. IN MYSORE,
Bangalore, 10 October 1903

FROM
V. P. MADHAVA RAO, ESQ., C.I.E.,
Revenue Commissioner in Mysore.

TO
H. V. NANJUNDAYYA, ESQ., M.A., M.L.,
Secretary to the Govt. of H. H. the Maharaja of Mysore,
General and Revenue Depts.

SIR,

In continuation of this office letter No. 1376 dated 16th September 1903, I have the honor to forward herewith another petition from Honne Gowda of Kallahalli village, Nagamangala Taluk complaining against the acquisition of his lands.

I have the honor to be,
Sir,
Your most Obedient servant,

For Revenue Commissioner.

59

THE OFFICE OF THE REVENUE COMMISSIONER
No 72
4 JUL 03
BANGALORE,
MYSORE

[illegible]
6/7/03

[illegible]

(1) [illegible] 1351 [illegible] 1361 [illegible]

[illegible]

(2) [illegible]

[illegible] 12-2-1903 [illegible]
[illegible]
[illegible]

(3) [illegible]
[illegible]
[illegible] 200—300 [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 300—400 [illegible]
[illegible]
[illegible]

(4) [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

(5) [illegible] 12-2-1903 [illegible]
[illegible] 3-7-1903 [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 14-7-1903 [illegible]

S.R. File 17 of 01

6B

8/9

Office Draft. (Letter.)

Mysore Government
General & Revenue Secretariat,
Excise Branch.

To The Revenue Commr.
in Mysore

Date of passing the draft
Date of despatch 24.11.03

Issued
26/11/03

Regd. No. 422
File No. & date (if any) 54

No. of Encls.

Sir, With reference to your letter No 1376 d/ 16 September 1903, forwarding with ~~some~~ your observations the petition addressed by Kallegow of Dondemadahali and Honnegowd of Kallehalli in the Nagamangala Ta complaining of the action of Govt in pro to acquire certain lands for the purp of making date stones, I am directed to state that as the Govt. had already decided, ~~in the affirmative~~ the question raised as to the legality or propriety of acquiring lands for such purpose under the provisions of the Land Acquisition Regulation, any further expression of your opinion as Rev. Commr. was unnecessary ~~uncalled for~~ & that ~~further~~ it was inexpedient that you should have received petitions on a matter in which Govt. had already passed final orders

I have &c

[illegible] orders)

23/11/3
Secretary

23/11/03

S. R. File 17 of 01

8/10

MYSORE GOVERNMENT, GENERAL & REVENUE SECRETARIAT.
2-12-03
1903.

Ex 255 of 2/12/03

63

From

V. P. MADHAVA RAO, Esq., C.I.E.,
Revenue Commissioner in Mysore.

To

H. V. NANJUNDAYYA, Esq., M.A., M.L.,
Secretary to Govt. of H. H.
the Maharaja of Mysore,
Revenue & General Depts.

Dated 30 Nov 1903

Despatched

Received

General No. 2719
No.

Enclosure No.

Requesting to forward copies of Govt orders affirming the legality of acquiring lands for date groves under the Land Acquisition Regulation.

Ex cu
2.12.03

File pending with note Contd

5/12/03

C.P.P.—28-2-03—2000

S. R. File 17 of 01
Sl. 11

66

Office Draft. (Docket.)

Sub. for approval

Mysore Government,
General & Revenue Secretariat.

To

The Rev: Commissioner
in Mysore

Date of passing the draft
Date of despatch 12/12/03

Regd. No. 462
File No. & date (if any) Ex

No. of Encls. 1

His letter No. 2719 d/ 30.11.1903 requesting to be furnished with copies of Govt. order on the question of the legality of acquiring lands for date groves under the Land Acqn. Regulation.

With reference to the above has the honor to forward herewith a printed copy of Notifn. of Govt. No. $\frac{241}{Ex.}$ d/ 18.11.1902 published at page 510 of the Mysore Gazette of the 20th Nov: 1902 and referred to in the Petition presented by Kallegaudu to the Rev: Commissioner, regarding the acquisition of certain lands of the Petitioner and others of Dondemadenhalli, Nagamangala Tk.

2 The question referred to was un-

der the Consideration of Govt
[illegible]
~~xx~~ the acquisition of these
lands and the Notification
issued in pursuance of
decision of Govt.

No separate issued order on the
subject was ~~regarded~~ issued

By order.

Secretary

9/12/63